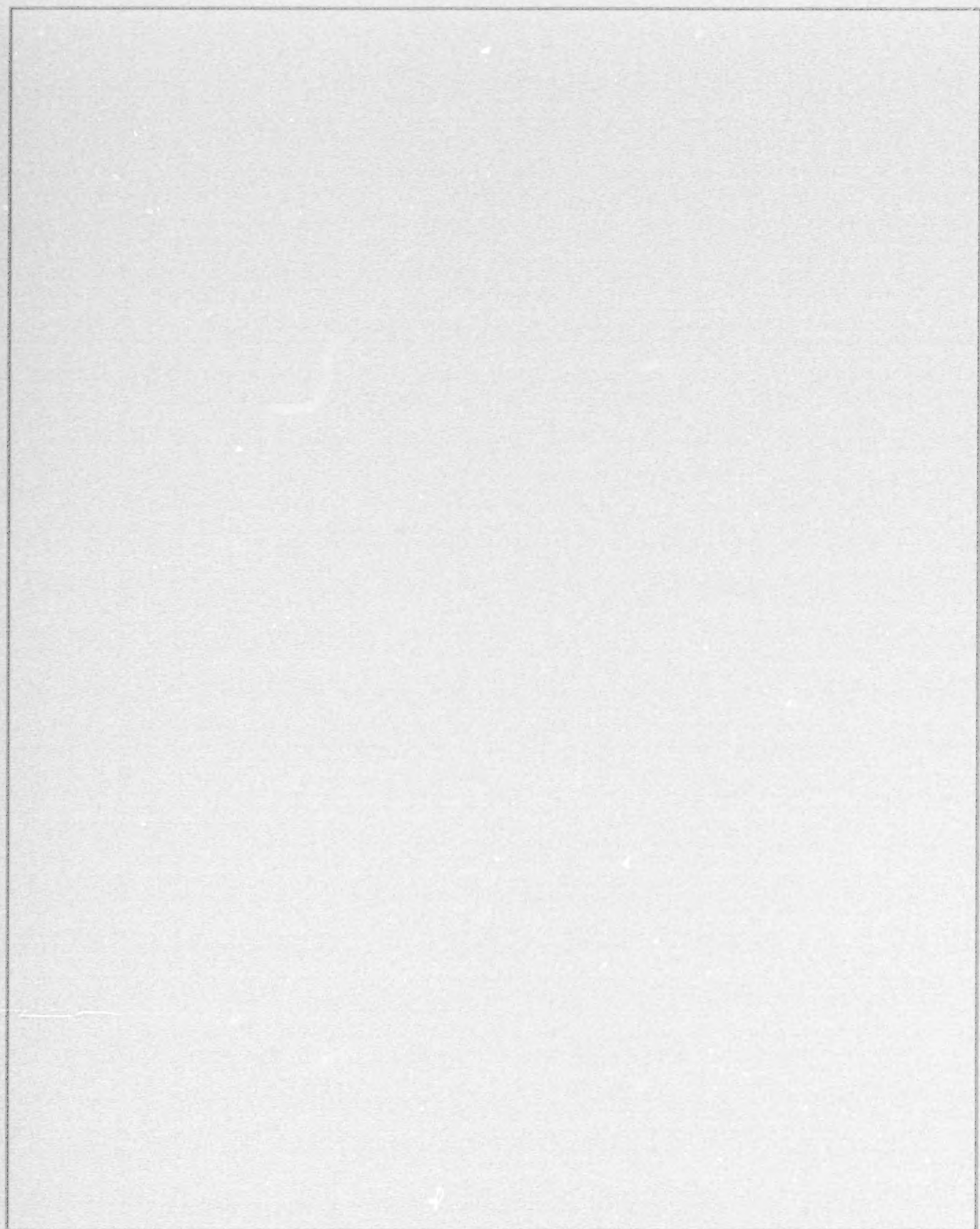


passenger
TRANSPORTATION BOARD

**ANNUAL
REPORT
2010/11**



November 29, 2011

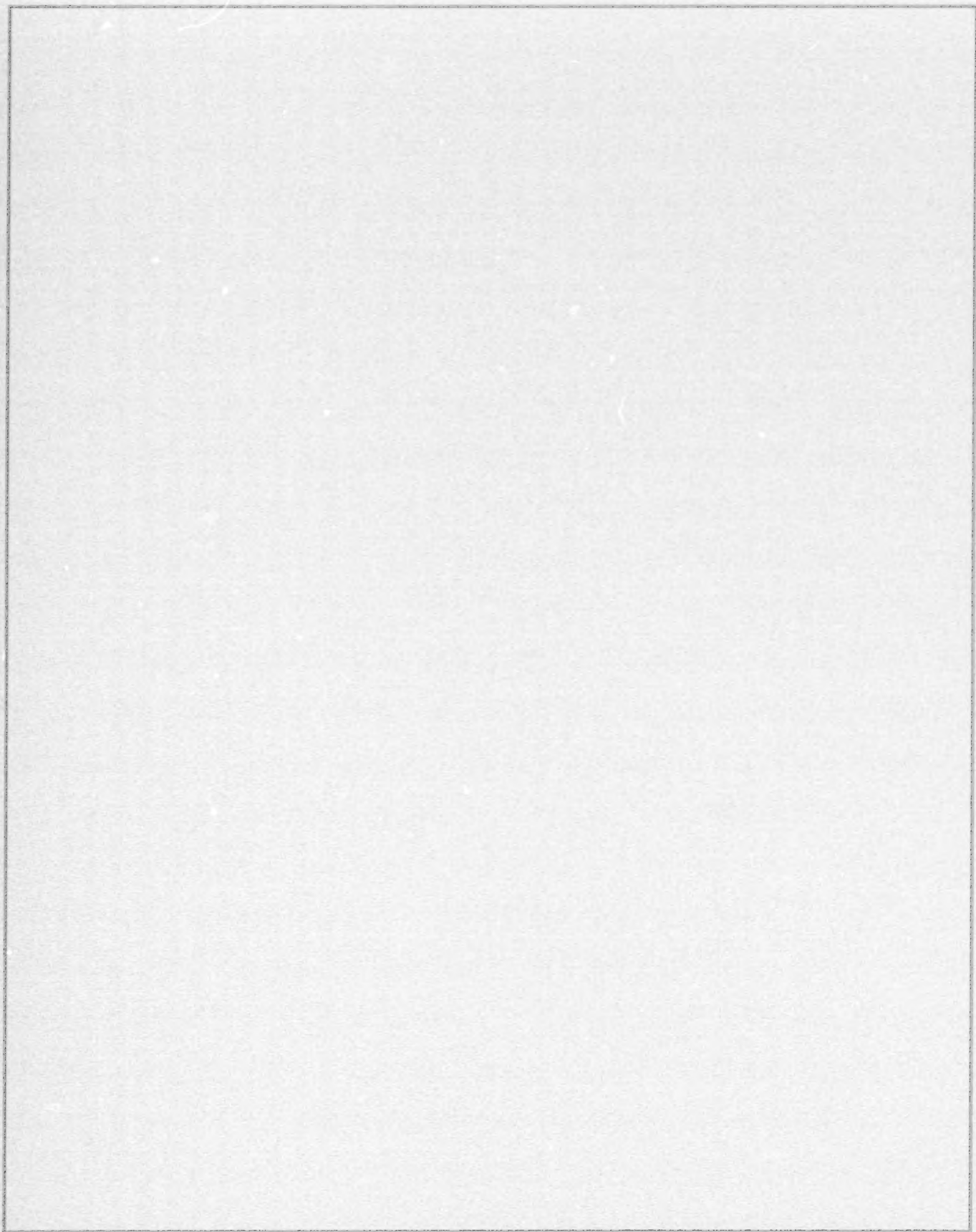
Honourable Blair Lekstrom
Minister of Transportation & Infrastructure
Parliament Buildings
Victoria, British Columbia
V8V 1X4

Dear Minister Lekstrom:

I am pleased to present the sixth Annual Report from the Passenger Transportation Board. The Report was prepared using the guidelines in the *Memorandum of Understanding* between the Passenger Transportation Board and the Ministry of Transportation and Infrastructure. The Report covers the period from April 1, 2010 to March 31, 2011.

Yours sincerely,

Don Zurowski
Chair
Passenger Transportation Board



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Message from the Chair

I am pleased to present the sixth *Annual Report* of the Passenger Transportation Board (Board).

This report covers the fiscal year April 1, 2010 to March 31, 2011. This was the last full year that Dennis Day served as Chair of the Board. Mr. Day was first appointed to the Board as Chair in 2004 and officially completed his tenure on June 27, 2011. The Passenger Transportation Board members and staff benefited from Mr. Day's knowledge, commitment and leadership.

I was first appointed to the Board on January 1, 2010 and began my term as the Board's second Chair on September 1, 2011.

Once again, we had a very busy and productive year. This report highlights our accomplishments, initiatives and performance.

We are a small, yet industrious team. For 2010/11, there were 5 part-time members, including myself. The Board is supported by 4 full-time staff.

The Board usually meets 7 times per year and never less than 5 times in a year. Meetings focus on policy and procedural development and implementation of projects. Each meeting includes consideration of emerging issues in the commercial passenger transportation industry. The Board is committed to continual improvement and strives for efficiency and administrative fairness in all our processes.

The Board does not make decisions on applications at Board meetings. However, independent of Board meetings, decisions are rendered by working panels that are made up of Board members. Generally one Board member is assigned a file.

In 2010/11, the Board processed 111 files. About 56% of these applications were decided based on information in the file from the applicant and any submitters. Another 38% percent were decided after the Board sought more information from the applicant, submitter or other person. Only 1

application was set down for a public hearing.

Additionally, a Board panel undertook a review of taxi, limousine and other passenger directed vehicle licensees who consistently failed to operate their maximum number of vehicles. This is an administrative process that recognizes fleet sizes are approved based on public need. As of March 23, 2011, the Board had reviewed 44 files and of these, 18 licensees had their fleet size reduced.

We undertook a number of stakeholder engagement activities in 2010/11. In addition to our bi-annual meetings of the Passenger Directed Vehicle Advisory Committee, we met with two communities at their request to discuss board application requirements and processes, involved stakeholders in project initiatives and created an Ad Hoc Advisory Group to provide input into our Discussion Paper on Wheelchair Accessible Transportation.

I look forward to another productive and even busier year in 2011/12. We will issue our final report on the wheelchair accessible transportation, complete changes and improvements to our application materials and website, complete phase II of licence district conversions and implement a

minimum and maximum rates pilot project for limousines.

Importantly, our current strategic plan ends in 2011/12. Therefore, the Board will work on a new three year strategic plan, which will build on the current plan and identify options for future directions for the Board.

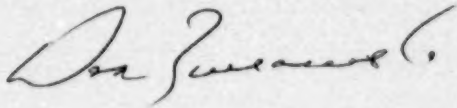
Board members will continue to consider applications received and make decisions that are in keeping with the Board's mandate and the principles of administrative fairness.

Under the *Passenger Transportation Act*, the Registrar of Passenger Transportation and the Passenger Transportation Board have separate roles and duties. Cooperation is needed to complete many tasks. For example, the Branch participates on the Board's Passenger Directed Vehicle Advisory Committee and on Wheelchair Accessible Transportation.

At the same time, the two organizations respect each other's independence. The Branch does not get involved in Board decision making. The Board does not get involved in enforcement and compliance activities. There continues to be excellent cooperation at all levels of these two organizations.

I will end by acknowledging the contributions of Board members and staff. Their enthusiasm, team spirit

and dedication ensure that the goals and objectives of the Board are accomplished.

A handwritten signature in cursive script, appearing to read "Don Zurowski".

Don Zurowski
Chair
Passenger Transportation Board

Mission, Values Goals & Objectives

The Passenger Transportation Board is an independent tribunal. It is established under the *Passenger Transportation Act*. The Board has two functions:

- (a) making decisions on applications for taxis, limousines, small vans and inter-city buses; and
- (b) hearing appeals on administrative penalties imposed by the Registrar of Passenger Transportation.

Mission

The mission of the Passenger Transportation Board is to make decisions pertaining to the commercial passenger transportation industry in a way that

- ❖ enables people throughout the province to access diverse, stable and competitive commercial passenger transportation, and

- ❖ promotes consistency and fairness in application decisions and enforcement measures.

The Board will make its decisions in a timely, fair, consistent and open fashion, and will provide responsive and accurate information to applicants, submitters, agents, members of the public, government representatives and persons who appear before the Board.

Values

Integrity – ethical, professional and honest conduct by members and staff of the Board.

Fairness – impartial decision making in accordance with the principles of administrative justice and the Board's legislative mandate; just treatment of applicants and submitters and others who participate in Board processes.

Respect – treat all persons who contact the Board, as well as colleagues, with courtesy, fairness and dignity.

Accountability – enhance or streamline Board processes and policies to foster the public’s confidence in, and understanding of, Board decisions.

Responsiveness – to ensure that Board processes and policies enhance the public’s confidence and understanding of Board decisions.

Goals & Objectives

Goal	Objective
A. <i>Policies contribute to a commercial transportation system that serves the public, is run by capable operators and maintains the overall economic health of the industry</i>	Board policies facilitate: • a dynamic, innovative and healthy industry • licensing of responsible, competent transportation operators • diversity in passenger transportation service
B. <i>Board processes are clear and relevant</i>	• Processes are efficient, effective and administratively fair
C. <i>Board facilitates communications between the Board and stakeholders</i>	• Board communications are interactive and meaningful
D. <i>Board promotes organizational excellence and accountability</i>	• Board fosters a culture of professionalism, administrative fairness and consistency in decision making. • Board members and staff have the skills and expertise to fulfill their governance responsibilities. • Board evaluates its performance against objectives. • Board is accountable to government and the public.

Overview of Regulatory Framework

The Passenger Transportation Board is created under the *Passenger Transportation Act*. The Board is an administrative tribunal.

Administration

Administration of the *Passenger Transportation Act* is a joint responsibility of the Passenger Transportation Board and the Registrar/Passenger Transportation Branch of the Ministry of Transportation and Infrastructure.

The **Passenger Transportation Board** makes decisions on applications for Special Authorizations.

The Board also hears appeals of administrative penalties imposed by the Registrar.

The Board may approve applications if it considers:

1. There is a public need for the service
2. The applicant is fit and proper and capable of providing the service
3. The application promotes sound economic conditions in the transportation business

Applicant fitness is the only factor the Board considers in transfer applications.

If an application is approved, the Board sets terms and conditions for a license.

Examples of terms and conditions include:

- ❖ Passenger pick-up and drop off areas for taxis and limousines
- ❖ Maximum fleet size for taxis and limousines
- ❖ Minimum route frequencies for inter-city buses

The PT Board also approves rates for passenger directed vehicles.

If the Board approves an application, the Registrar of Passenger Transportation will issue a licence when safety requirements are met.

The Registrar of Passenger Transportation makes decisions on

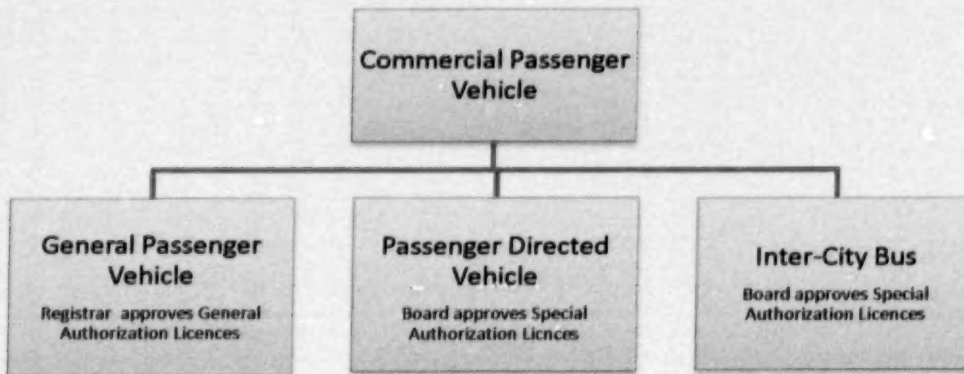
applications for General Authorizations.

There is no public need or other economic regulation test. The Registrar may refuse to issue a licence if he or she finds that the applicant is not a fit and proper person to provide the service.

The Registrar works with Commercial Vehicle and Enforcement (CVSE) staff in the planning and delivery of enforcement and compliance actions for licensed and unlicensed carriers. The Registrar may impose administrative penalties on licensees.

Appendix 2 lists the responsibilities of the Board and the Registrar.

Types of Commercial Passenger Vehicles and Authorization Required



Definitions of Vehicles Requiring a Special Authorization

Inter-City Buses (ICBs)

- ❖ Operate on set time schedules between municipalities (other than those in the GVRD or CRD)
- ❖ For individual fares
- ❖ Over a regular route
- ❖ Between fixed terminating points, picking up and dropping off passengers at

- ❖ intermediate points, as necessary

A common example is a private bus service operated on a schedule between 2 or more cities. Inter-city buses are not public transit buses.

Passenger Directed Vehicles (PDVs)

- ❖ Carry a driver and not more than 11 passengers
- ❖ Operate to and from locations determined by the passengers

Common examples of PDVs include taxis, limousines and shuttle vans.

Board Members and Staff

Board Members

Board members make decisions on applications and appeals.

The Board is appointed by Cabinet. The *Passenger Transportation Act* says that there must be at least 3 Board members. One member must be designated as Chair. Appointment

processes and terms are governed by the *Administrative Tribunals Act*.

Tracy Gray was appointed by Cabinet to the Board on April 1, 2010 for a 2 year term. William Bell and Brenda Brown were re-appointed to the Board. Their terms expire on December 31, 2013.

In the 2010/11 fiscal year, there were 7 Board meetings.

In 2010/11, the 3 Board members participated in the Board's performance evaluation process.

2010/11 Board Members

Member	Appointed By	Initial Appointment Effective	Current Term Expiry Date
➤ <i>Dennis Day, Chair</i>	Cabinet	June 28, 2004	June 27, 2011
➤ <i>William Bell</i>	Cabinet	February 1, 2008	December 31, 2013
➤ <i>Brenda M. Brown</i>	Cabinet	December 31, 2008	December 31, 2013
➤ <i>Tracy Gray</i>	Cabinet	April 1, 2010	April 1, 2012
➤ <i>Don Zurowski</i>	Cabinet	January 1, 2010	January 1, 2012

Board Staff

The Board is supported by a staff of 4 full-time employees who work out of the Board office in Victoria. Staff handle the administrative functions of the Board, undertake policy initiatives and respond to inquiries from applicants and the public.

<i>Jan Broocke</i>	<i>Director and Secretary</i>
<i>Michael McGee</i>	<i>Manager, Policy and Communications</i>
<i>David Watling</i>	<i>Appeals and Operations Coordinator</i>
<i>Kathy Mitten</i>	<i>Research and Administrative Coordinator</i>

Board Contact Information

Mailing	PO Box 9850 STN PROV GOVT		
Address:	Victoria, British Columbia, V8W 9T5		
Street	202-940 Blanshard Street		
Address:	Victoria, British Columbia		
Phone:	250-953-3777	Facsimile:	250-953-3788
Website	www.ptboard.bc.ca		

Passenger Transportation Board Budget

2010/11		
Budget Category	Allocation	Expenditure
Salaries	251,000	252,025
Benefits	61,000	61,767
Board Per Diems and Travel	140,000	130,963
Staff Travel	11,000	8,133
Professional Services - Operational	1,000	0
Information Systems - Operating	10,000	1,976
Office and Business Expenses	19,000	10,826
Utilities, Materials and Supplies	1,000	0
Recoveries – Within Government	(1000)	0
Recoveries – External, Misc.	(1000)	0
Total	492,000	465,690

Highlights of Activities & Accomplishments in 2010/11

Projects Completed

1. New Processes Procedures for "Fitness"

In the Spring 2010, the Government of British Columbia amended the *Passenger Transportation Act* (the "Act"). These changes help to ensure that people who provide commercial passenger vehicle services are "fit and proper" persons. The amendments apply to all operators.

The Board must find that successful applicants are fit and proper and capable of providing a transportation service. The changes to the Act mean that applicants must remain fit and proper and capable when they become licensees.

The Board may now conduct an investigation to determine the fitness of licensees.

If the Board finds that a licensee is not fit and proper or capable of providing the service, the Board may direct the Registrar to:

- suspend the licence,
- order one or more vehicles to stop operating or
- cancel the licence.

The term "fit and proper" reflects the idea that a licensee must exercise the powers conferred by the granting of a licence with regard to proper standards of conduct. It is a common term in regulatory legislation.

The changes to the Act resulted in the development of new processes and procedures.

- Applicants must complete a "disclosure of unlawful activity and bankruptcy information" form.
- Directors and officers must complete a disclosure of unlawful activity and bankruptcy information form if there has been a major change in the controlling interest in a company.

- Fitness review procedures are in place.

2. Discussion Paper on Wheelchair Accessible Taxis and Inter-City Buses

British Columbia's population is growing. It is also aging. These trends have implications for people who need wheelchair accessible transportation in cities and towns in the province. They have implications for companies that operate taxis, limousines and inter-city buses in the province. They have implications for the Board, which regulates these businesses. The Board wanted to have a more in-depth look at accessible transportation issues and to obtain input from people, companies and institutions that have knowledge of, and interest in, these issues. In March, 2011 the Board published a discussion paper and invited people to comment.

The discussion paper discussed demographic trends, taxi licensing, accessible taxis in B.C., customer service, driver training and commercial inter-city buses.

By inviting comment on the paper, the Board aims to achieve the following:

1. Improve its understanding of the transportation needs of people with mobility challenges
2. Improve its understanding of vehicles, services and strategies for meeting those needs
3. Assess marketplace opportunities, as well as the challenges, for enhancing or expanding wheelchair accessible services

The Board will publish a final report later in 2011.

3. Licence District Conversions: Phase I

About 100 passenger transportation licences refer to "licence districts". These licence districts are outdated and not relevant to many people. The Board is replacing references to license districts with more relevant descriptors.

Phase I involved changing licenses for limousine companies operating in the Lower Mainland and Whistler.

This involved:

- replacing Licence Districts with references to highway corridors
- notifying affected licensees of the change
- receiving comment from licensees and
- finalizing new terms and conditions of license

Phase I is complete. Phase II will be completed in 2011/12.

4. Taxi Cost Index

The Board's uses a "Taxi Cost Index" (TCI) to determine if a taxi rate increase is warranted each year. Data is obtained from BC Stats, the Insurance Corporation of BC, and MJ Ervin & Associates. The index components are: wages 31%; fuel 19%; insurance 13% and Consumer Price Index ("CPI") 37%.

The Board did not approve a meter rate increase based on TCI in 2010/11. TCI data indicated that taxi costs dropped 1.92% from 2009. The main reason was lower fuel prices in 2009. The Board will deduct the 1.92% from any TCI rate increases.

Taxi companies may apply for a rate increase independent of TCI. The companies must provide a clear rationale for the increase and objective evidence of the need for the rate increase.

In July, 2010 taxi meters were re-programmed to reflect the change to the Harmonized Sales Tax.

5. Fleet Size Review

The Board can reduce the number of vehicles that a licensee is allowed to operate if the licensee has consistently failed to operate its maximum number of vehicles. This applies to taxis, limousines and other passenger directed vehicles.

The Board conducts a fleet size review every two years. These are administrative processes. A fleet size review was undertaken in 2010. Licensees have an opportunity to respond to the Board's proposed actions. The Board makes its final decision after reviewing the file and any response.

In 2010/11, the Board panel conducting the reviews recommended new procedures for future reviews. These are designed to streamline the process.

Board Initiatives

1. Revised Application Materials & Website Revisions

The Board is changing its application materials. They are being re-written in plainer language. The single "Application Handbook" is being replaced with distinct "Application Guides" and "Reference Sheets". These guides should make it easier for applicants to learn about Board requirements. This should result in more complete and detailed applications.

The Board is also revising its "special authorization" page on the Board website. These revisions will coincide with the introduction of the new application materials. Applicants should be able to find relevant information quicker.

The new application guides and website modifications will be introduced in late 2011.

2. Website Testing

Board staff conducted telephone interviews with stakeholders regarding the Board's website. The feedback was positive; however,

many suggestions were given. A number of licensees said that it is difficult to find the link to the "forms page". We took immediate action and now have a tab called "forms" on our homepage. The "bulletin" page is the most used part of the website. The "Special Authorization" page needs re-organization. (This is the page that will be significantly changed as part of the plain language initiative discussed above.)

3. Minimum/Maximum Rates for Limousines

The Board proposed a Minimum Rates Pilot Project for limousines operating in the:

- Lower Mainland and Sea to Sky corridor (Pemberton to Hope) and
- Capital Regional District

The Board's proposal responded to requests from some limousine operators for rate flexibility. The Board supports a more flexible and streamlined approach. The proposal included:

- minimum and maximum rates
- standard rules
- standard trip rates in the Lower Mainland for some YVR and Cruise Ship transfers

An overview of the Pilot Project was posted on the Board 'Rates webpage' and mailed to limousine companies in the Lower Mainland and CRD.

The Board accepted written comments until March 31, 2011. Two industry discussion sessions were held in March, 2011.

As a result of the information sessions and comments, the Board learned that:

- Most limousine companies support a change from company-specific rates to a more flexible system with minimum/maximum rates and standard rules.
- Transfer rates, as proposed by the Board, were not supported.
- There is general support for standard rules for limousines.

4. Standard Rules for Taxis

The Board approves taxi rates and rules. Rates are what companies may charge passengers for a trip. Rules govern how rates are applied. For example, rules cover such things as when the meter may be turned on, allowable extra charges (tolls) and dismissal charges.

In 2011, the Board embarked on a standard rules for taxi rates project. The standard rules will apply to both metered and non-metered taxi rates. They will apply to licensees with individual rules and licensing with common rules.

Standard rules have the following benefits:

- Make it clear to taxi companies, drivers and passengers how taxi rates are applied
- Improve consistency in the charging of rates
- Make rules more current and in line with Board policies

5. Vehicle Identification

In the Lower Mainland, accurate identification of a taxi is an issue for cab companies, regulators and the public. Many cabs have similar colours. This makes it difficult for people to identify a particular company if there is a complaint. At a stakeholder meeting, it was suggested that the Board consider requiring all cabs in the GVRD to have a unique number as an identifier. There was general support for the exploring this idea.

6. Policies and Rules

The Board has *Rules of Practice and Procedure*. These rules give applicants, submitters and other information on Board procedures relating to applications, oral hearings reconsiderations and appeals.

In 2009/11 the Board amended Rule 5 to indicate that applicants should include supporting materials in their applications and not ask supporters to contact the Board directly.

The Board publishes operational policies. These give guidance to applicants, submitters and others on how the Board's approach to certain situations. These policies cover such matters as written submissions, urgent public need requests and accessible taxis.

In 2010/11, the Board set operational policies on temporary taxi camera surcharges and modified its policy on gift vouchers.

Stakeholder Engagement

1. Passenger Directed Vehicle Advisory Committee

The Passenger Directed Vehicle Advisory Committee, an initiative of the Board, promotes stakeholder engagement primarily on taxi matters. The committee met in April, 2010 and October, 2010. It is made up of people from the taxi industry, public transit, municipalities, persons with disabilities, the Vancouver International Airport Authority, the Passenger Transportation Branch and Passenger Transportation Board.

The Board and Branch representatives shared information on current activities and projects and responded to committee questions or comments. Industry and other committee representatives raised matters of concern to them, such as vehicle identification for taxis, chauffeurs permits and types of vehicles used as limousines and taxis.

2. Limousine Industry

The Board held industry discussion sessions with representatives from limousine companies in Greater Victoria and the Lower Mainland in March 2011. The first session was

held in Richmond and the second was held in Victoria. The purpose was to discuss the Board's proposed minimum rates pilot project. Additionally, the Board sent notices of the proposed project to all limousine companies in these areas and invited written comments. The Board posted the draft project on its website. The Board learned valuable information from the discussion sessions and the written comments received.

3. Ad Hoc Advisory Group on Accessible Transportation

The Board formed an Ad Hoc Advisory Group to help ensure that the Board's discussion paper on accessible transportation accurately reflected the realities facing people who use wheelchair accessible vehicles and companies that provide accessible transportation services. The Group met once in October 2010. Further information was provided in writing or from phone calls from individual group members. The Group will meet again after the closing of the comment period on the paper.

4. Municipalities & Community Organizations

Kelowna City Council invited the Board to talk with them at a Council meeting on December 13, 2010. Dennis Day, Board Chair and Tracy Gray, the Board member from Kelowna, attended the meeting.

The *Fort St John Tourism Board* asked the Board to meet with its members to talk about taxi in their community and Board requirements and process. Dennis Day, Board Chair, Don Zurowski, the Board member from Prince George, and Michael McGee, Manager, Policy and Communications met with the Tourism Board in Fort St. John on January 11, 2011.

City of Vancouver's Taxi Roundtable - Board staff attended 2 meetings of the taxi roundtable in person and a portion of a meeting via teleconference. Board staff also attended two meetings of the Roundtable's "Taxi Peak Period Service Working Group".

5. Taxi Industry

In January 2011, the Board wrote to all taxi companies in the Province about its proposed standard rules for taxis. The Board gave companies an opportunity to comment on the draft rules. The Board also wanted to give companies an opportunity to keep a current rule that is not in the standard rules. Companies were invited to provide comments to the Board.

The Board will consider the comments received before finalizing its standard rule.

6. Conferences and Workshops

The Chair of the Board attended regular meetings of the "Circle of Chairs". This group is comprised of chairs of administrative tribunals in British Columbia.

In October 2010, two Board members and the Manager of Policy and Communications attended the annual conference of the British Columbia Council of Administrative Tribunals.

Communications

1. Industry Advisories

In 2010-11, the Board issued 17 Industry Advisories or Updates on a variety of topics, including fitness, rates, rules and policies and tolls.

2. Weekly Bulletin

The *Weekly Bulletin* contains summaries of applications, hearing notices and final decisions of the Board. It was published every week except December 29, 2010.

3. Website

The Board made some minor revisions to its website as a result of a survey of stakeholders. This included adding a "Forms" and a "Rates" tab on the main menu.

4. Reference Material

The Board and the Passenger Transportation Branch developed an information sheet called "*Do I need a General Authorization or a Special Authorization Licence?*" This sheet explains the licences required for different types of vehicles.

The Board published a reference guide on fitness reviews. This guide provides information on the terms “fit and proper” and “capable of providing service; factors that could lead the Board to conduct a fitness review and steps in a fitness review.

Looking Ahead to 2011/12

1. Final Report on Wheelchair Accessible Transportation

The Board will review the comments from its Discussion Paper and prepare a Final Report. The Board will also review its policies or processes in light of the report.

2. Revised Application Materials & Website Revisions

The new Application Guides and Reference Sheets will be completed in the Fall of 2011. Their introduction will coincide with changes to the website to make it easier for people to find and use application materials.

3. 2011/12 – 2013/14 Strategic Plan

The current strategic plan ends in 2011/12. Therefore, the Board will work on a new three year strategic plan, which will build on the current plan and identify options for future directions for the Board.

4. Finalizing operational projects

Many of the operational projects outlined under “board initiatives” will be completed or implemented in 2010/11. These include:

- Phase II of the Licence District conversion project
- Maximum rates/rules for limousines
- standard rules for taxi rates

5. Vehicle Identification

The Board will continue its work on this initiative. A small working group will be formed to develop recommendations for implementation.

6. Operations

Operational requirements will continue to provide the focus for many Board activities. These include such matters as: processing

applications; making decisions; responding to inquiries; publishing the weekly Bulletin and managing the budget and resources.

Application & Licensing Matters

General Information

The *Passenger Transportation Act* sets out two types of licences: Special Authorization (SA) licences and General Authorization (GA) licences.

Operators must have a SA licence to use passenger directed vehicles or inter-city buses. The Passenger Transportation Board makes decisions on applications that relate to SA licences. These include:

- applications for new, transfers or amended licences for all SA vehicles, and
- additional vehicle applications as well as applications for changes to rates and rules for passenger directed vehicles.

The steps in processing applications are listed in Appendix A.

The Board may approve temporary operating permits (TOPs). These

allow taxis and limousines and other passenger directed vehicles operators to increase their fleet size on a short-term basis. Also, The Registrar may ask the Board to make a determination on whether a particular application is for a special authorization rather than a general authorization. (These types of applications are referred to below as "SA rq" applications.)

Board decisions are published in the Board's *Weekly Bulletin* and posted at the Board's website

<http://www.th.gov.bc.ca/ptb/index.htm>

The Board has limited involvement with licensing after an application is approved. The two areas where the Board may be involved with a licensee are: fleet size reviews and fitness reviews. The Board may decrease the fleet size of a licensee if the licensee has consistently failed to operate its maximum number of vehicles. This only applies to operators of passenger directed vehicles.

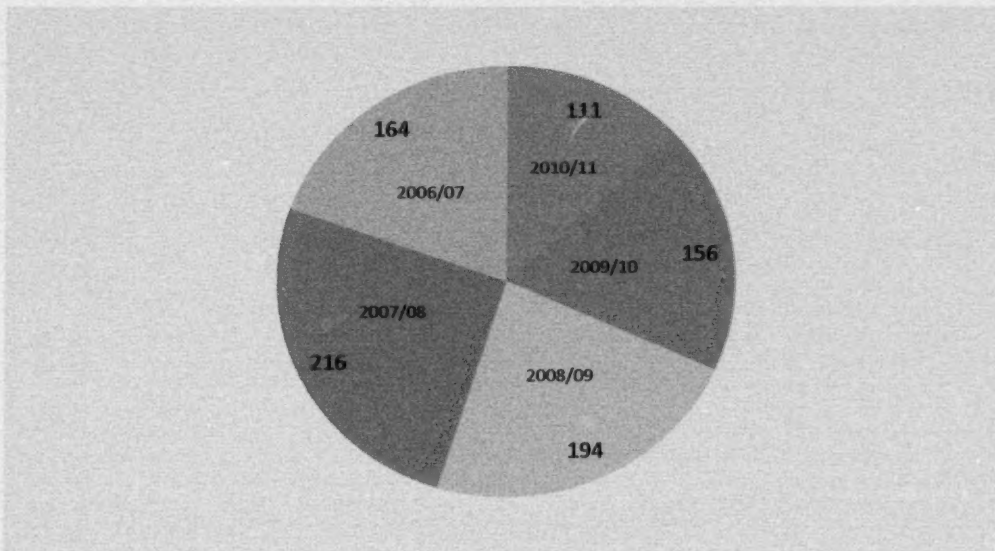
The Board may review a licensee to determine if it is fit and proper and capable of providing its transportation service.

Application Matters

In 2010/11, the Board received 111 applications. All were decided within this reporting period. This is a decline over past years. Possible reasons for this could include the state of economy, supply

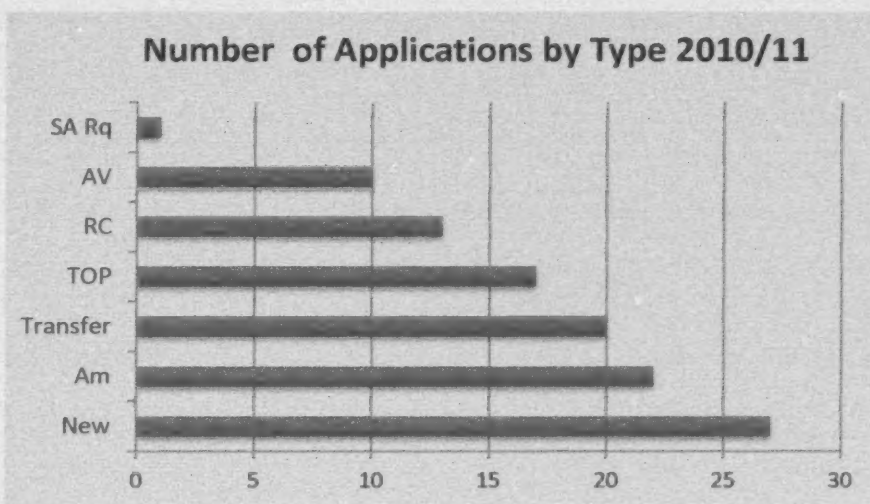
increases in previous years, expansion of public transit or operators preferring to provide a service that is permitted under a General Authorization licence.

Total Applications Received for 5 Fiscal Years



Note: In the charts below, application types are denoted as follows:

New	Application for a new SA licence
Am	Application to amend an existing licence
AV	Application to add more vehicles to a fleet of passenger directed vehicles
Transfer	Application to transfer a licence
RC	Application to change rates for a passenger directed vehicle service
TOP	Application for Temporary Operating Permits
SA Rq	Application sent by the Registrar for the Board to determine if an SA licence is required for the service the applicant proposes



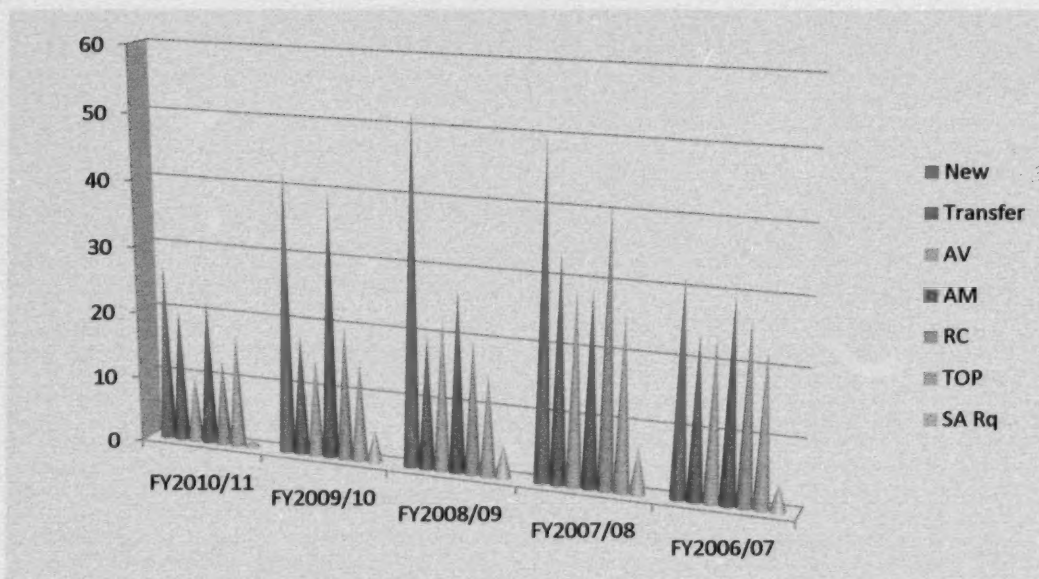
Four applications related to inter-city buses, of which 1 was a licence transfer and 3 were licence amendments.

One application was for a combined inter-city bus/passenger directed vehicle application.

Eighty-eight (88) applications were for passenger directed vehicles. Of these, 27 were for new licences, 19 were for licence transfers, 13 were change of rates, 19 were licence amendments and 10 were additional vehicles.

The Board received 17 temporary operating permit requests and 1 request from the Registrar to make a determination on whether the applicant would require Special Authorization licence.

Applications Received by Type Over 5 Years



This 5 year comparison chart shows that the number and types of applications vary from year to year.

Decided Applications by Regional District 2009/10 and 2010/11¹

Regional District	# of Decided Apps 2009/10	# of Decided Apps 2010/11	Regional District	# of Decided Apps 2009/10	# of Decided Apps 2010/11
Alberni-Clayoquot	1	2	Kitimat-Stikine	3	1
Bulkley-Nechako	4	6	Kootenay-Boundary	0	1
Capital Regional District	12	7	Mount Waddington	2	3
Cariboo Regional District	0	0	Nanaimo	3	1
Central Coast		0	North Okanagan	3	2
Central Kootenay	4	1	Northern Rockies	0	1
Central Okanagan	5	7	Okanagan-Similkameen	4	8
Columbia Shuswap	3	0	Peace River	11	4
Comox-Strathcona	3	1	Powell River	1	0
Cowichan Valley	3	1	Skeena-Queen Charlotte	2	4
East Kootenay	1	0	Squamish-Lillooet	8	4
Fraser Valley	7	11	Strathcona	1	5
Fraser-Fort George	4	2	Sunshine Coast	0	0
Metro Vancouver	60	31	Thompson-Nicola	2	2
			Multi Regional or Extra Provincial	6	4
			Islands Trust	4	2

¹ Excludes temporary operating permits and applications where the Registrar asked the Board to determine whether the application was for a licence with a general or special authorization.

Post Decision Matters

	Sub total	Totals	Ave. Days to Decision
Judicial Reviews Concluded		0	
Licence Decisions Amended		5	
Reconsiderations Concluded		5	
Reconsiderations Proceeded & Decided	0		
• Confirmed	0		
• Rescinded	0		
• Varied	0		
Reconsiderations Not Proceeded	5		17
• Grounds not established	4		
• Withdrawn	1		

There were no judicial reviews of the Board's decisions in 2010/11. Five (5) decisions were amended to correct clerical or technical errors.

The Board may reconsider, vary or rescind a decision if the Board is satisfied that (a) information has become available that was not available at the time the decision was made, or (b) there has been an error in procedure.

Five (5) reconsideration requests were received in 2010/11. Four of these requests did not proceed as the Board was not satisfied that person requesting reconsideration had established grounds for

reconsideration. One request for reconsideration was withdrawn.

Licensing Matters

1. Fleet Size Review

The Board began its fleet review in September, 2011. As of March 23rd, the Board had reviewed 44 files. Of these, 18 licensees had their fleet size reduced.

2. Fitness Reviews

The Board directed the Registrar to cancel a licence after the Board found that the licence was no longer capable of providing service.

Performance Measures 2010/11

The Board has two sets of performance targets: “low” and “high”. The low target represents the most efficient processing times, with no delays by applicants, submitters or the Board. The high target factors in delays that may occur in the application process.

The Board reviews performance results at each Board meeting. The Board strives to improve its performance and timelines.

Reporting Constraints – Board database reports are based on the date an application is received. If a

report is compiled for a particular time period, the reports will provide performance results only for applications that were received during this period and decided or closed at the time the database report is compiled or accessed. There were no outstanding application decisions for 2010/11 at the time of writing this report.

Reporting Timelines – These are the total number of days that an application was in process with the Board. This includes times when the application is inactive pending receipt of further information. For example, most applications have a 15 day publication period. If submissions are received applicants have 10 days to reply. With public hearings, the reported timelines include adjournments and continuations.

Performance Targets

Process and Track	Low Target	High Target
Application Files	# days	# days
File Review	89 or less	90 - 156
Board Investigation	113 or less	114 - 192
Registrar	117 or less	118 - 205
Registrar Investigation and Hearing	197 or less	198 - 331
Hearing	178 or less	179 - 293
Urgent Public Need (UPN)	37 or less	38 - 75
Temporary Operating Permits (TOPs)	15 or less	16 - 30
Special Authorization Required (SA Rq)	14 or less	15 - 35

Performance Results

Application Processing Times in Relation to Performance Targets¹

	# Board Decisions	Average # of days to a decision ²	% within low target	% within high target	% over high target
Application Files Received in 10/11					
File Review	51	50	98	2	0
Board Investigation	34	83	74	26	0
Board Investigation & Hearing	1	104	100	0	0
Registrar Investigation	1	79	100	0	0
Hearing	0			0	0
Urgent Public Need UPN ³	6	12	100	0	0
Temporary Operating Permits (TOP)	17	12	76	0	24
Special Authorization (SA) Determinations ⁴	1	7	100	0	0

¹ These results were based on applications received between April 1, 2010 and March 31, 2011 and closed by August 8, 2011 when the data was compiled.

² These timelines are from when an application is received at the Board office until a decision letter is sent to an applicant, and may include times when response times are not in the Board's control.

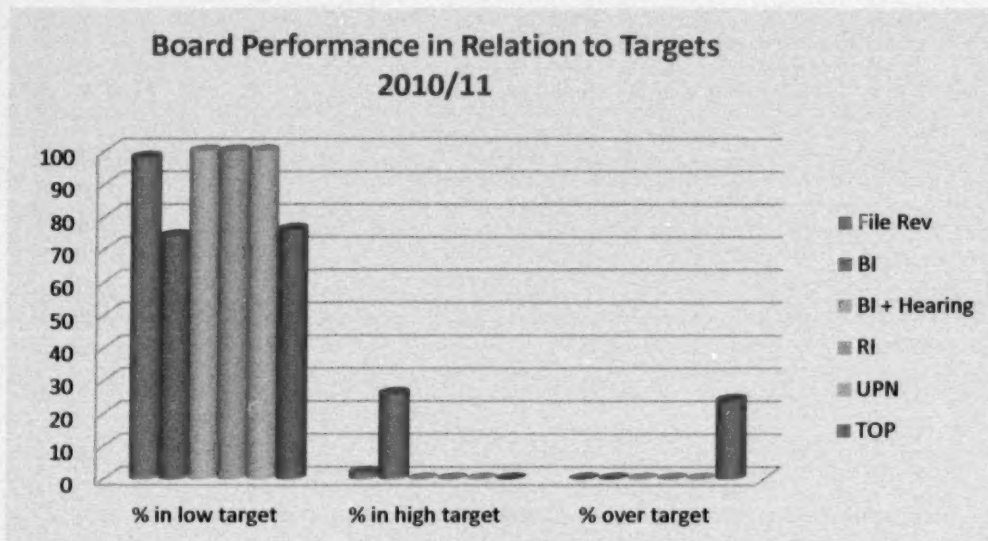
³ A "UPN" is an application that the Board determines should be processed on the basis of "urgent public need". These applications are not published and submissions may not be accepted. Most "UPN's" are processed on the basis of a file review.

⁴ These applications that the Registrar asks the Board to make a determination on whether a special authorization rather than a general authorization is required.

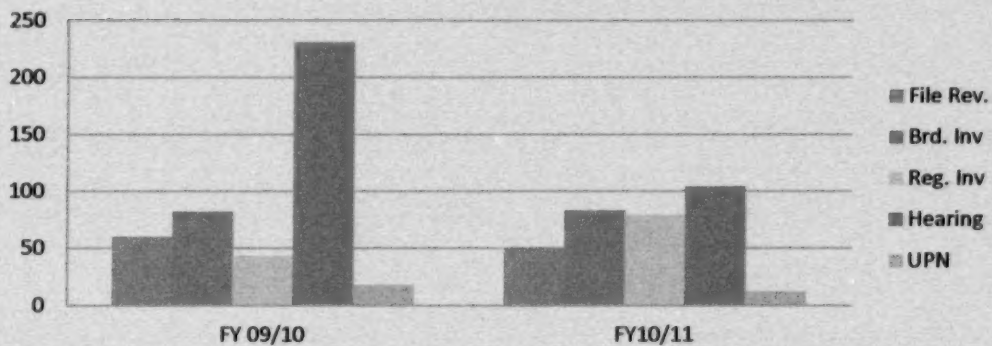
The Board seeks to process at least 75 % of all applications within the low target timeframe. The Board achieved this in all but 1 category.

Five (5) of the 17 TOP requests were processed in 2 days or less. Four (4) of the TOP requests were processed

42 days. These were unique TOP requests – ones that the Board has not encountered before. Therefore, the Board published these TOP requests and accepted submissions from interested persons. The Board also sought additional information from each of the applicants



**Comparison of Days to Complete an Application Based on
Process Type: 2009/10 and 2010/11**



The hearing category in 2010/11 includes a hearing with a board investigation. The hearing category in 2009/10 does not.

The 2009/10 performance results were based on applications received between April 1, 2009 and March 31, 2010 and closed by July 30, 2010 when the report was compiled. (Note: All applications received in

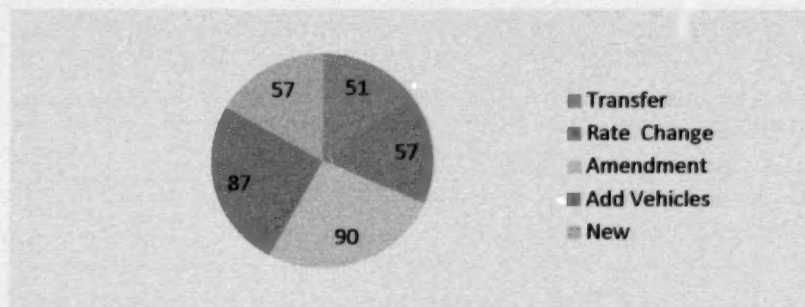
2009/10 had been decided by July 30, 2010).

The 2010/11 performance results were based on applications received between April 1, 2010 and March 31, 2011 and closed by August 8, 2011 when the data was compiled. (Note: All applications received in 2010/11 had been decided by August 8, 2011).

Application Processing Times at Various Stages of the Application Process 2010/11

	Total number of files	Average # of days from receipt of application to appointment of Panel ¹	Average # of days from panel appointment to draft decision	Average # of days from draft decision to final decision sent to applicant	Total average days to process application
Application Files Decided in 10/11	93	29	24	7	61
File Review	51	29	15	6	50
Board Investigation	34	34	40	9	83
Board Investigation and Hearing	1	23	67	14	104
Registrar Investigation	1	28	44	7	79
Urgent Public Need	6	4	6	2	12

Average Days to Process an Application by Type of Application 2010/11

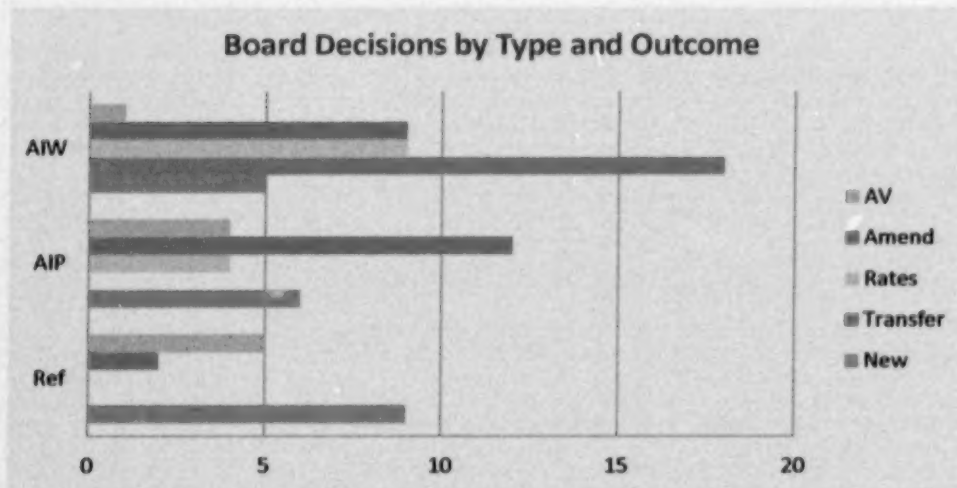


¹ Includes the submission and reply period which is a minimum of 7 days for most applications.

Board Decisions by Type of Application and Outcome

	Received	Approved in Whole	Approved in Part	Refused	SA Required	SA Not Required	Decision Subtotal	Returned To Registrar	Abandoned	Dismissed Summarily	Withdrawn	Outcome Subtotal
ICB Applications												
New	0	0	0	0	0	0	1	0	0	0	0	0
Transfer	1	1	0	0	0	0	0	0	0	0	0	0
Change of Rates	0	0	0	0	0	0	0	0	0	0	0	0
Amendment	3	3	0	0	0	0	1	0	0	0	0	0
Additional Vehicles	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal:	4	4	0	0	0	0	4	0	0	0	0	0
PDV Applications												
New	27	5	6	9	0	0	20	0	1	5	1	7
Transfer	19	17	0	0	0	0	17	0	0	0	2	2
Change of Rates	13	9	4	0	0	0	13	0	0	0	0	0
Amendment	19	6	11	2	0	0	19	0	0	0	0	0
Additional Vehicles	10	1	4	5	0	0	10	0	0	0	0	0
Subtotal:	88	38	25	16	0	0	79	0	1	5	3	9
ICB/PDV Applications												
New	0	0	0	0	0	0	0	0	0	0	0	0
Transfer	0	0	0	0	0	0	1	0	0	0	0	0
Change of Rates	0	0	0	0	0	0	0	0	0	0	0	0
Amendment	1	0	1	0	0	0	1	0	0	0	0	0
Additional Vehicles	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal:	1	1	0	0	0	0	1	0	0	0	0	0
TOP	17	14	1	2	0	0	17	0	0	0	0	0
SA Rq¹	1	0	0	0	0	1	0	0	0	0	0	0
Total Board Files:	18	56	27	18	0	1	102	0	1	5	3	9

¹ These are applications that Registrar sends to the Board and asks the Board to determine whether the applicant would require a Special Authorization licence.



AV= Additional Vehicle Application; Amend=Amendment of Licence Application; Rates = Change of Rates Application; Transfer = Transfer of Licence Application; New = New Licence Application

AIW = Approved in Whole; AIP = Approved in Part; Ref = Refused

Of the 93 applications referred to above, 42 were approved in whole (i.e. approved as applied for); 26 were approved in part and 16 were refused. Nine (9) were withdrawn,

abandoned or summarily dismissed. Of the 17 Temporary Operating Permit requests, 14 were approved in whole, 1 was approved in part, and 2 were refused.

APPEALS

The Board hears appeals from licensees who have received an

administrative penalty from the Registrar of Passenger Transportation.

One appeal was filed in 2010/11. The Board confirmed the Registrar's decision.

Appendix A: Steps in Processing Special Authorization Licence Applications

1. *Applications are submitted* to the Passenger Transportation Branch which forwards completed applications to the Board office.
 2. *Board staff draft an application summary*, send it to the applicant for verification and signature, and publish it in the PT Board Bulletin (on the Board web site)
 3. *Public Submission/Reply Period** – From the date an application summary is published, people have up to 15 days to make written submissions on the application to the Board and pay a \$50 submission fee within the same time period. Submissions are forwarded to applicants, who have 10 days to reply. (An exception to this step is if an application is processed on an “urgent public need” basis.)
 4. *Board staff completes an overview* of the application file for transmittal to the Board.
 5. *Board Chair appoints a Panel* who will consider and decide the application. Board staff forwards the application file to the Panel.
 6. *Application Considerations and Decisions* – the Panel reviews the file and determines which process should be followed to make a decision. These processes include:
 - a) Review of file materials only – decision is made on application file materials, including information from the applicant and any submitters
 - b) Review of file materials and Board Investigation into the application – the Board follows up with questions to the applicant, submitters or other parties
 - c) Review of file materials and Registrar Investigation – the Board asks the Registrar to undertake an investigation of the application and provide a report. The applicant is given an opportunity to respond to this report and then it is sent to the panel.
 - d) Oral Hearing – the Board sets the application down for a public hearing. A hearing notice is published and persons have 21 days to give notice that they wish to make submissions at the hearing and to pay the \$50 fee.
 7. *Decision sent to the applicant and Registrar* – the Board’s decision on an application is sent to both the applicant and Registrar. Decisions following a public hearing are also sent to submitters.
 8. *Decision published in the Bulletin* – all final decisions on applications are published in the Board’s Bulletin.
 9. *Licence Issuance by Registrar* - if the Board approves the application and the licensee meets specified safety standards, the Registrar issues the licence.
- * Some types of applications of an administrative nature have a shorter submission period.
- Note: Rate change applications follow similar steps except the submission period is 10 days and these applications cannot be processed on the basis of urgent public need.

Steps 2-8 are the responsibility of the Passenger Transportation Board

Appendix B: *Responsibilities of the Registrar of Passenger Transportation and the Passenger Transportation Board*

The Registrar of Passenger Transportation leads the Passenger Transportation Branch. The Branch:

- ❖ Accepts all licence applications
- ❖ Makes decisions on applications for General Authorization licences
- ❖ Issues all passenger transportation licences
- ❖ works with Commercial Vehicle and Enforcement (CVSE) staff in the planning and delivery of enforcement and compliance actions for licensed and unlicensed carriers
- ❖ Manages an administrative penalty scheme for licensees who are not in compliance with their terms and conditions of licence

The Passenger Transportation Board:

- ❖ Decides:
 - applications for new taxis, limousines and inter-city bus licences
 - licence transfer and amendment applications for taxis, limousines and inter-city buses
 - additional vehicle and rate change applications for taxis and limousines
- ❖ Publishes
 - Applications
 - Rules and Policies
 - Industry Advisories and Updates
 - Application Handbook and other reference materials
- ❖ Hears appeals of administrative penalties imposed by the Registrar